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cation No 3041 of 95

Criminal Misc.Application No.3044 of 95

Date of decision: 25/01/96

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI

1. Whether Reporters of Local Papers may be allowed to see the  
judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the  
judgement?

4. Whether this case involves a substantial question of law as  
to the interpretation of the Constitution of India, 1950 of any  
Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

VINODBHAI MANILAL GANDHI vs STATE OF GUJARAT

NATIONAL TRADERS VS. STATE OF GUJARAT

Appearance: MR SH SANJANWALA for Petitioner PUBLIC PROSECUTOR  
for Respondent No. 1 SERVED for Respondent No. 2

Coram : MR.JUSTICE S.M.SONI

ORAL JUDGEMENT

Rule.

Mr. T.H. Sompura learned A.P.P. waives service of Rule.

With the consent of the parties the matter is heard today. In view of the reasons assigned in Misc. Cri. Application No.482 of 1995 decided on February 10,1995 by Mr. Justice R.A.Mehta (as then he was), this application is required to be allowed particularly when facts are identical and the provisions of law involved are the same. Both these applications are disposed of by this common order as they involve identical facts and law.. In view of the above, the applications are allowed. The offences registered under III CR No. 60/95 and 62/95 of Meghraj Police Station of sub district Modasa are hereby quashed and set aside.

2. However, having regard to the facts and circumstances the following order is passed:

- a) The muddamal goods attached from the truck in question be released to the petitioners on his undertaking to the court that the goods shall not be stored or used or consumed in Gujarat territory and will be taken to village Naroli Silvas, a Union territory.
- b) The petitioners shall carry the goods in the truck in question under police escort to be given by the police authorities at the costs of the petitioners.
- c) The truck bearing Regn.No.M.P.17-9149 ( in C.R.No.60/95) and the truck bearing Regn. No.H.R.38-2140( in C.R.No.62/95) shall be released after proper verification.

Rule is made absolute to the extent indicated above.

for correction pl.see original.